PETITION FOR ZONING VARIANCE E/S Belair Road, N/S Stillmeadow \* ZONING COMMISSIONER \* OF BALTIMORE COUNTY

Case No. XI-692 & 94-206-A

Co., Inc., Petitioner/Contractor/ \* . . . . . . . . . . .

## HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

This matter comes before the Hearing Officer/Zoning Commissioner for consideration of the development plan and related variances for the proposed residential subdivision known as Beldale Courts located on the north and south sides of Dunfield Road, east of Stillmeadow Road. The Petitioner/Developer/Contract Purchaser is Gamma Construction Company, Inc., which appeared through its President, Uri Ben-Or. Identified as the legal owner of the property is Sophia Gertrude Sauerbrey and Norris C. Fridinger. Personal Representative of the Estate of Marie K. Reiner. The development plan, as amended and submitted at the hearing, was received into evidence as Developer's Exhibit No. 1. That plan shows the proposed development and also the requested variances.

As to the history of the development review process for this project, a Concept Plan was submitted and a conference was held thereon on July 26, 1993. Subsequently, a Community Input Meeting was held at the White Marsh Library on August 31, 1993. Subsequently, a development plan was submitted and a conference thereon was held on December 8, 1993. The required public hearing before the Hearing Officer was held on December 22, 1993 in Room 118 of the Old Court House. The developer seeks approval of the development plan pursuant to Section 26-206 of the Baltimore County Code.

As to the Petition for Zoning Variance, several variances are requested from the strict application of Section 1801.2.C.1.c. of the B.C.Z.R. Specifically, relief is requested to permit a side building face to side building face setback of 20 ft., in lieu of the required 25 ft., between lots 44 and 45; 63 and 64; 68 and 69; and 73 and 74. Also requested is a variance from that same section to allow a side building face to right of way line of 20 ft., in lieu of the required 25 ft., for lot No. 1; 15 ft., in lieu of the required 25 ft., for lot No. 18; and 10 ft., in lieu of the required 25 ft., for lot No. 57. The Petition, as originally filed, also requested a building face to right of way lot line setback of 4 ft., in lieu of the required 25 ft., for lots 32 and 33 and a front yard setback of 9 ft., in lieu of the required 13 ft., for lot 33. However, these last two referenced variance requests were withdrawn during the course of the hearing.

Appearing and testifying in support of the project at the public hearing was Uri Ben-Or, President of Gamma Construction Co., Inc., Developers. Also appearing were J. S. Smith and J. Kline, engineers with George W. Stephens and Associates, who prepared the site plan noted above as Petitioner's Exhibit No. 1. Also appearing was J. Canoles of Eco-Science, Inc. The Petitioner/Developer was represented by Julius Lichter, Esquire. Also appearing as interested persons were Norris Fridinger, property owner, and Irwin Cohen, Property Manager for David O. Feldman, Inc. 1 number of representatives of various reviewing agencies of Baltimore County participated in the hearing. These included Carol McEvoy from the Office of Planning and Zoning, Don Rascoe, the Project Manager, of the Office of Zoning Administration and Development Management, R. Bruce

- 2-

the right of way. The easement was described as encompassing that property on the western side of the parking lane as same continued in a north/south access from lot 39 to lot 49. That is, the Developer would convey an easement for potential roadway widening, although none is envisioned, for that stretch of the proposed road from the frontage of lot 39 to lot 49. The easement would encompass the western portion of the tract on the opposite side of the paved area near lot 57. Incorporation of a note to reflect this understanding was acceptable to both D.P.W. and the

lined in their agency comment of December 16, 1993. Moreover, to facilitate this agreement, I shall approve a waiver of the sidewalk requirements, as recommended by D.P.W. This waiver is issued

pursuant to Section 26-172 of the Baltimore County Code.

Developer. Thus, the plan will be red lined to incorporate such a change

thereby bringing the plan into compliance with D.P.W.'s concerns as out-

Another issue raised by D.P.W., but not within my jurisdiction, relates to a potential water availability problem. It was noted at the hearing that correspondence has been received by D.P.W. from Baltimore City that a water moratorium may be imposed. This moratorium would affect availability of City water to this project from City owned resourc-The Loch Raven reservoir, although located in Baltimore County, is owned by Baltimore City and water connections channeled from that reservoir must apparently be approved by the City. Certainly, I have no authority to compel Baltimore City to approve this connection, however; note same in this issue. Assuming City water can be obtained, the Developer should be permitted to proceed.

A second open comment was offered by the Office of Planning and Zoning (O.P.Z.). Their amended agency comment dated December 15. 1993 recom-

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mends approval of the development plan, subject to certain conditions. The conditions are more fully described within that correspondence, and the Developer indicated that they were acceptable. Thus, the Developer shall amend its plan acknowledging its responsibility with OPZ's concerns. That agency's comments shall be incorporated on the plan as a condition to the approval. Moreover, O.P.Z. presented at the public hearing certain architectural renderings which suggest proposed landscaping, screening and buffering on certain of the subject lots. The Developer agreed that the plan should be amended to reflect the adoption of those recommendations by O.P.Z. Thus, I shall require the addition of those recommendations to the development plan and require the Developer to submit finished elevation drawings to me for final review and approval. My review may include referral to the Office of Planning and Zoning for final study and comment.

The final unresolved issue presented was discussed by Mr. Seeley from the Department of Environmental Protection and Resource Management (D.E.P.R.M.) and related to the necessary forest conservation area. It is to be noted that the plan currently contains a note indicating certain calculations of the forestation cover. The plan shows that the net forest area is 11.26 acres, that 7.65 acres of forest would be removed and that 3.41 acres were to be retained. Moreover, the note indicates that the Developer was requesting payment in lieu of reforestation pursuant to the Forest Conservation Act of .9 acres. Mr. Seeley explained that the Director of D.E.P.R.M. has taken issue with the Developer's calculations in this respect. Specifically, a question has arisen as to whether the area of the revertible slope easement, adjacent to Dunfield Road, must be considered within the forested area. If so, the total area subject to pavSeeley, Nancy Pentz and Dave Lykens from the Department of Environmental Protection and Resource Management (D.E.P.R.M.), and Les Schreiber from the Department of Public Works (D.P.W.).

As to the development plan, testimony and evidence offered was that the subject site is 12.30 net acres in area and is zoned D.R.16. Under the applicable density computations, 206 density units would be allowed, however, only 80 units are proposed. The Developer specifically noted at the hearing that it was reserving the use of these non utilized density The site is located in the White Marsh area not far from Belair In fact, Dunfield Road bisects the site into two tracts. Development is proposed on both sides of the road. As the development plan shows, the Developer proposes an 80 townhouse unit community with sufficient parking areas to support same. The site is wooded and also contains a stream which limits the amount of acreage available for development Total open space provided encompasses 5.67 acres.

In considering the development plan, I am required by Section 26-206 of the Baltimore County Code to identify and resolve any open County agency's comments. I am also to consider any issues raised by the Developer or surrounding residential or commercial community. At this hearing, there were no community representatives present and, thus, no issues raised in that respect. As to the County and Developer comments, the Petitioner/Developer submitted an amended development plan (Petitioner's Exhibit No.1) which contains a number of red line changes. It was testified that these changes had been made in response to development plan comments issued by a number of County agencies. In fact, the red line changes reflected the Developer's efforts to comply with and satisfy many of the County agency's comments. The County representatives present corroborated that the red line changes had, in fact, resolved many of the open issues.

Nonetheless, several issues remained open which are appropriate for discussion herein. First, there was a comment authored by Robert W. Bowling, Professional Engineer from the Department of Public Works (D.P.W.), dated December 16, 1993. This agency comment was discussed by Mr Schrieber at the hearing. Four different concerns were expressed within that comment: First, the comment required the plan to show main line sewer and drains within the roadway pavings as required with the Landscape Manual. In fact, the red line plan showed the required sewers and drains and resolved this issue. Secondly, a note was suggested indicating that fencing should be located 10 ft. off the right of way/property line in the event a variance was granted for lots 18 and 57. In fact, the red line plan also included such a note thereby satisfying that concern. Third, D.P.W. suggested that "no parking" signs be posted in the "T" turnaround areas where parking is prohibited. The Developer indicated, on the record, that the plan would be so amended. Thus, the above three items within the December 16th agency comment were resolved. The remaining item related to a right of way distance near lot 57. As shown on the plan, the proposed right of way provided is 40 ft. in width. However, the Depart of Public Works standards mandate that the right of way distance be shown as 44 ft. There was extensive discussion regarding this issue during the hearing. Ultimately, an agreement was reached by both Mr. Schreiber and the Developer's engineers. In summary, the agreement reached was that D.P.W. would accept a 40 ft. right of way, where shown, adjacent to lot 57, and would agree to a waiver of sidewalks in that area for so long as the Developer conveyed an easement to property adjacent to

- 4-

ment of a fee, in lieu of forestation, would be 1 acre, an increase of .1 acres. Translated into actual cost, the difference would be \$1,746.00.

The parties were unable to resolve this issue during the course of the hearing. Moreover, it appears that this is an appropriate issue for D.E.P.R.M.'s consideration upon an opinion from the Office of Law. Significantly, it is abundantly clear that the issue should have been resolved prior to the hearing before me. Under the circumstances, I shall require an amendment to the plan to delete the calculation of .9 acres as that area where the Developer is requesting payment of fee in lieu of new planning. In its place, the Developer shall include a comment indicating that the area so involved will be ".9 or 1.0 acres, as to be determined by the Director of D.E.P.R.M." This issue will ultimately be resolved before development can proceed

Having addressed the above development issues, it is to be noted that no further issues were outstanding. As all issues can be resolved in the manner set forth above, the development plan shall, therefore, be approved, as set forth herein. The Developer shall resubmit its plan, in compliance with the above comments, for approval.

As to the variances, same are fully described above and relate to a number of the lots in this multi-unit development. In support of these variances, the Developer noted that this is a large piece of property which is impacted by a number of site constraints. First, as noted above, the property is bisected by Dunfield Road, which diminishes the buildable area. As importantly, the site is also heavily wooded and contains severe slopes. Thus, the area of development is extremely limited. Under these Circumstances, it is argued that the requested variances are necessary to

utilize any reasonable use of this property. It is to be noted that the variances are conditionally approved by the Office of Planning and Zoning

As is well settled, any variance must be considered within the test enunciated in Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.). This statute requires that the Developer demonstrate a practical difficulty if the variances were denied. Moreover, it must be shown that a variance can be granted without detriment to the surrounding locale and within the spirit and intent of the B.C.Z.R. The uncontradicted evidence offered, as set forth above, clearly satisfies these tests.

Pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property, and public hearing held thereon, I will approve the amended development plan and variances requested herein consistent with the comments contained above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner for Baltimore County this 6 day of January, 1994 that approval of the development plan, pursuant to the development regulations codified in Section 26-166, et seq., of the Baltimore County Code, be and is hereby

IT IS FURTHER ORDERED that the Petitioner/Developer shall prepare and submit to the Zoning Administration and Development Management (ZADM) within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any of this Order. The amended plan to be submitted shall reflect the condiions and restrictions referenced within this opinion, to wit:

1. The plan must show main line sewer and drains within the roadwa pavings in order to comply with the Landscape Manual

- 6-

- 7-

- 8-

- 2. Fencing should be located 10 ft. off the right of way/property line for lots 18 and 57.
- That "No parking" signs be posted in the "T" turnaround areas where parking is prohibited.
- 4. The right of way distance adjacent to lot 57 will be 40 ft., in lieu of 44 ft., with the developer conveying an easement of adjacent property, as described herein; pursuant to Section 26-172 of the Baltimore County Code
- A waiver of sidewalks, as noted above, is hereby Granted, pursuant to Section 26-172 of the Baltimore County Code.
- 6. Adoption of the Office of Planning and Zoning's comment dated December 15, 1993, and drawings attached thereto.
- 7. The plan shall be modified to delete the computation of the area subject to payment, in lieu of reforestation from .9 acres to ".9 or 1.0 acres, to be determined by the Director of D.E.P.R.M."; and,
- IT IS FURTHER ORDERED that a variance from Section 1801.2.C.1.c. of the B.C.Z.R. to permit a side building face to side building face setback of 20 ft. in lieu of the required 25 ft. between lots 44 and 45; 63 and 64; 68 and 69; and 73 and 14, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that a variance from that same section to allow a side building face to right of way line of 20 ft., in lieu of the required 25 ft., for lot No. 1; 15 ft., in lieu of the required 25 ft., for lot No. 18; and 10 ft., in lieu of the required 25 ft., for lot No. 57, be and is hereby APPROVED.

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Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code

for Baltimore County

LES: mmn

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. 658 KENILWORTH DRIVE, SUTTE 100, TOWSON, MARYLAND 21204

- 10-

Description to Accompany a Zoning Petition for Variances.

94-206-A

November 5, 1993

RE: Beldale Courts Dunfield Road

#1 (North Section)

Beginning at a point located South 64° East 169 feet more or less from the point of intersection of the center lines of Stillmeadow Road and Dunfield Road thence in a clockwise direction:

- 1 North 1° 22' 18" West 286.47 feet±
- 2 North 81° 54' 45" East 347.97 feet±
- 3 South 1° 15' 44" East 610.98 feet: and
- 4 North 51° 52' 51" West 446.29 feet to the place of beginning.
- Containing 3.56 acres of land more or less.
- #2 (South Section)

Beginning at a point located South 431° East: 226 feet more or less from the point of intersection of the center lines of Stillmeadow Road and Dunfield Road thence in a clockwise direction:

- 1 South 51° 52' 51" East 405.45 feett
- 2 A curve to the right with a radius of 815.00 feet±, a length of 41.17 feet and a chord of South 55° 26' 01" East 41.17 feet
- 3 South 1\* 15' 44" East 811.42 feet: 4 - South 7° 34' 02" West 186.50 feet:
- 5 South 44° 41' 42" West 16.14 feet±
- 6 North 82° 15' 20" West 125.69 feet:
- 7 North 7° 44' 40" East 60.00 feet:
- 8 North 82° 15' 20" West 60.00 feet±

IN CONVEYANCE OR AGREEMENTS)

- 9 South 7° 44' 40" West 60.00 feet:
- 10 North 82° 15' 20" West 120.00 feet± and
- 11 North 1° 22' 20" West 1,243.23 feet: to the place of beginning.

Containing 8.74 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 6, 1994

Julius W. Lichter, Esquire Levin and Gann 305 W. Chesapeake Avenue Towson, Maryland 21136

> RE: Project No. XI-692 Development Plan Order "Beldale Courts" Case No. 94-206-A Petition for Zoning Variance

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order have been

Gamma Construction Co., Inc., Petitioner/Contractor/Developer

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Lawrence E. Schmidt Zoning Commissioner

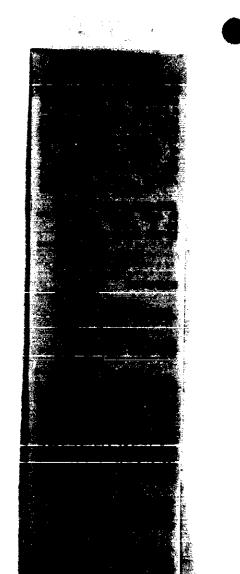
LES:mmn

cc: Mr. Uri Ben-Or, President, Gamma Construction Co., Inc. Mr. Irwin Cohen, David O. Feldmann, Inc.

Mr. Norris Fridinger cc: Various County Agencies

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-7-26-A

District //sf	
Posted for: Veneza-	Date of Posting_11/20/13
Patitioner: Sechie 6. Squer brong	t Lemme levetrustria Cu
Location of Signs Incling Ice of May -	on property borg taxed
Remarks:  Posted by Attacky	Date of return: 11/26/93



CERTIFICATE OF PUBLICATION

TOWSON, MD., 7 M. 25, 1993 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of \_\_\_\_\_\_ weeks, the first publication appearing on 200. 25, 1923.

to the Zoning Commissioner of Bultimore County for the property leasted at east of Stillmendow Road north and south sides of dunfield Rd 94-206-A which to promptly small This Position shall be filed with the Office of Zealing Administration & Development Management.

The undereigned: legal connected of the property status in Ballimore County and which is described the description and plat attended. (see attached) of the Zoning Regulations of Baltimere County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or -site constraints -unique configuration of the site -additional reasons to be presented at the public hearing Property is to be posted and advertised as prescribed by Zoning Regulations. Linews, agree to pay expenses of above Vaname advertising, peaking, ste., upon filing of this position, and further agree to and are to be bound by the zoning regulations and reginoters of Baltimore County adopted pursuant to the Zaming Law for Baltimore County 11/1/193 AL og coses to be well by singer It 845 11/12/93 SORA " GERTRELL Gamma Construction Co., Inc Marie R. Reiner Amples Sauch BRuy By. Uri Ben-Or, Pres. P.O. Box 68 Reisterstown, MD 21136 \* norus & Frederice 11/11/93 Julius W. Lichter, Esq. 8336 Below Rd 256 1527 1. highter 321-0600 905 W. Chesapeake Ave, Julius W. Lichter, Esq. Towson, MD 21136 321-0600

Bultima a County  Zoning Administration &  Development Management	recelipt
111 West Chesapeake Avenue Fortion, Maryland 21204	Account: R-001-6150
	Number
11/16/93 1171 94-206	212 (WCR)
#020 - VARIANCE	\$285.00
Legal Owner: Sophia Gertrude Sauerbrey & Norris Contract Purchaser: Gamma Construction Company,	s Fridinger, Personal Representative , Inc.
N/S & S/S Dunfield Road, E of Stillmeadow Road (Beldale Courts - Dunfield Road) 11th Election District	
Attorney: Julius W. Lichter	NO REVIEW
Please Make Checks Payable	野み これもワイプ・カムイイ アス・スス
Sechler Validation	

150480 MICCOLLANGOUS CAMM NECEPT 40.00 (CAH) G.W. Stephens. Jr. & Associates, Inc. #710 - VARIFICATION Spirit & Intent

BELDALE COURTS GAMMA CONSTRUCTION CO., INC. PETITIONER RELIEF REQUESTED

94-266-A From BCZR §1B01.2.C.1.c to permit side building face to side building face of 20 feet in lieu of the 25 feet between lots 44 & 45, 63 &64, 68 & 69, and 73 & 74; side building face to right-of-way line of 4 feet in lieu of 25 feet for lots 32 & 33, 20 feet in lieu of 25 feet for lot 1, 15 feet in lieu of 25 feet for lot 18, and 10 feet in lieu of 25 feet for lot 57; and a front yard of 9 feet in lieu of 13 feet for lot 33.

1111 West Chesapeake Avenue Towson, MD 2120 i

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

94-266 Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions

which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and

advertising are satisfied. However, the petitioner is responsible for

the costs associated with these requirements. PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Petitioner: GAMMA CONSTRUCTION CO. INC.

Petitioner: Dunfield Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GAMMA CONSTRUCTION Co. INC.

ADDRESS: P.O. BOX 68

Resterstown, MD 21/36 PHONE NUMBER: 321-0600

President on Recognised Paper

(Revised 04/09/93)

December 2, 1993

Page 2

Julius W. Lichter, Esquire

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

JLL:scj

Enclosure (receipt)

cc: Zoning Commissioner

TO: PUTURENT PUBLISHING COMPANY JJ7847(# Imme - Jeffersonian Please foward billing to:

Germa Construction Co., Inc P. O. Box 68 Beisterstown, ND 21136 410-321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-206-A (Item 212) North and South sides of Dunfield Road, E of Stillmeedow Road, HN of Belair Road 11th Election District - 6th Councilmanic Legal Onwar(s): Sophia Gertrude Sauerbrey

Variance to permit side building face to side building face of 20 feet in lieu of 25 fet between lots 44 £ 45. 63 £ 64. 68 £ 69, and 73 £ 74; side building face to right-of-way line of 4 feet in lieu of 25 feet for los 32 & 33, 20 feet in lieu of 25 feet for lot 1, 15 feet in lieu of 25 feet for lot 18, and 10 feet in lieu of 25 feet for lot 57; and a front yard of 9 feet in lieu of 13 feet for lot 33.

HEARING: WEDNESDAY, DECEMBER 22, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

LAMBERCE E. SCHULDT ZONING CONCISSIONER FOR BALTIMORE COUNTY

Contract Purchaser: Gasma Construction Co.Inc.

HOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) POR IMPORMATION CONCERTING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

> Baltimore County Government
> Department of Environmental Protection and Resource Management

401 Bosley Avenue Towson, MD 21204 (410) 887-3733

January 7, 1994

Mr. Jim Kline George W. Stephens and Associates 658 Kenilworth Drive, Suite 100 Towson, Maryland 21204

> Re: Beldale Courts Hearing Officer's Hearing

Dear Mr. Kline:

Printed with Enytheen Ind on Recycled Paper

In response to your letter dated December 21,1993 and to reiterate the Development Plan comments dated December 8,1993 the following items must be

1. The condemnation order, which you forwarded to us, describes the area labeled "revertible slope easement" as "a temporary easement area to be used during the period of construction". This infers that the area can no longer be used or occupied by the County when construction is completed. This raises questions as to whether the area labeled on the right-of-way plat as "revertible slope easement" ever received the full status of a revertible slope easement. As you stated in your letter the design of Dunfield Road was completed in 1972. However, in contradiction to your letter, construction was also completed in accordance with the original construction drawings. The construction of the remaining curb and gutter was left for the future and was not part of that capital project. Therefore this is not exempt from the Forest Conservation Act under section 14-402(B)(21).

Specifically addressing the issue of revertible slope easements in their relation to the Forest Conservation Act. the following generalizations can be made. It is clear in Baltimore County's law, Section 14-402(B)(21), that the land within an existing public road right-of-way existing prior to January 1, 1993, can be deducted from the net tract area. If a revertible slope easement must be maintained in its original configuration to support the integrity of an existing road. and therefore prohibits the property owner from reacquiring use of the land for development, then the developer could subtract the area on the forest conservation worksheet from the net tract area. The requirements of the Forest Conservation Act would be encumbered by Baltimore County as part of any future capital

**Baltimore County Government** Office of Zoning Administration and Development Management

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public bearing on the property identified herein in

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

DEVELOPMENT PLAN HEARING

Project: Beldale Courts

Project Number: 11-692

Location: North and South sides of Dunfield Road, E of Stillmendow Road and NN of Belair Road

Acres: 12.98

Developer/Owner: Gemma Construction Co., Inc.

Engineer: G. W. Stephens, Jr. and Associates, Inc.

Proposal: 81 Tombouses

CASE NUMBER: 94-206-A (Item 212)

North and South sides of Dunfield Road, E of Stillmendow Road, NW of Belair Road

11th Election District - 6th Councilmanic

Legal Owner(s): Sophia Gertrude Sauerbrey

Contract Purchaser: Gasse Construction Co. Inc.

Variance to permit side building face to side building face of 20 feet in lieu of 25 fet between lots 44

& 45, 63 & 64, 68 & 69, and 73 & 74; side building face to right-of-way line of 4 feet in lieu of 25 feet

for los 32 & 33, 20 feet in lieu of 25 feet for lot 1, 15 feet in lieu of 25 feet for lot 18, and 10 feet

HEARING: WEDNESDAY, DECEMBER 22, 1993 at 9:00 a.m. in Room 118, Old Courthouse

NOTES: (1) ZONTING SIGN & POST MOST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPRODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391

in lieu of 25 feet for lot 57; and a front yard of 9 feet in lieu of 13 feet for lot 33.



(410) 887-3353

111 West Chesapeake Avenue

Towson, MD 21204

Tecomber 2, 1993

Baltimore County Government

Office of Zoning Administration

and Development Management

(410) 887 3353

Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, MD 21204

> FE: Preliminary Petition Review (Item #212) Legal Owner: Sophia Gertride Dauerbrey & Norran Bradinger, Presona. Representative Beidale Courts

11th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above references petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all perlilons/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to ball more County, Maryland for the \$100.00 revision fee.

> 1. No authorization letter or proof of authority for ...dividual identified as personal representative.

2. Zip code for attorney is incorrect.

3. Be aware that the zoning public hearing plan and the development plan must agree. See the attached copy of the zoning comments for the development plan conference to be held on 12/8/93.

Printed with Soybean int

Mr. Jim Kline January 7, 1994 Page 2

111 West Chesapeake Avenue

MOVEMBER 19, 1993

Armold Jablon

Printed with Soybeen In on Recycled Paper

cc: Gamma Construction Co., Inc.

Norris C. Fridinger

Julius W. Lichter, Esq.

Towson, MD 21204

improvement project on that road. However, if the developer has the right to use the land within a revertible slope easement for lots, dwellings, stormwater management facilities, new roads, etc., then the developer shall incur the burden of the requirements of the Forest Conservation Act for this area.

Therefore, we still maintain the comment that the calculations on the forest conservation worksheet must be corrected.

- 2. This Department may consider a fee-in-lieu payment for the reforestation requirement, however, the applicant must first demonstrate that an exhaustive search for off-site mitigation areas has not been successful. For purposes of this project, as stated to you verbally, three potential sites within the same watershed as this development site must be examined. At this time the Department is not satisfied that this has been accomplished.
- 3. A Forest Buffer and a Forest Conservation Access Easement must be provided.
- 4. Add the full standard Forest Conservation Easement notes to the development plan or rewrite the existing Forest Buffer Easement notes to include Forest Conservation Easement into them.

Please submit a revised forest conservation worksheet and a revised development plan reflecting the above changes to us through Mr. Don Rascoe of Zoning and Development Management. If there are any questions, please contact Ms. Nancy Pentz at 887-3980.

Sincerely.

Patricia M. Farr Program Supervisor Environmental Impact Review

c: Mr. Larry Schmidt Mr. Don Rascoe

BELDALE/DEPRM/WOCBCA

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENTS

PROJECT NAME: Beldale Courts

LOCATION: NWC Belair Road and

Stillmeadow Road

PROPOSAL: 80 Single Family Townhouses

in D.R.-16 Zone

ZADM - DEVELOPMENT CONTROL

9:00 a.m., Room 123

DPC DATE: 12/8/93

PLAN DATE: 6/30/93

REVISED PLAN KEY: (X) COMPLIANCE WITH COMMENT CHECKED

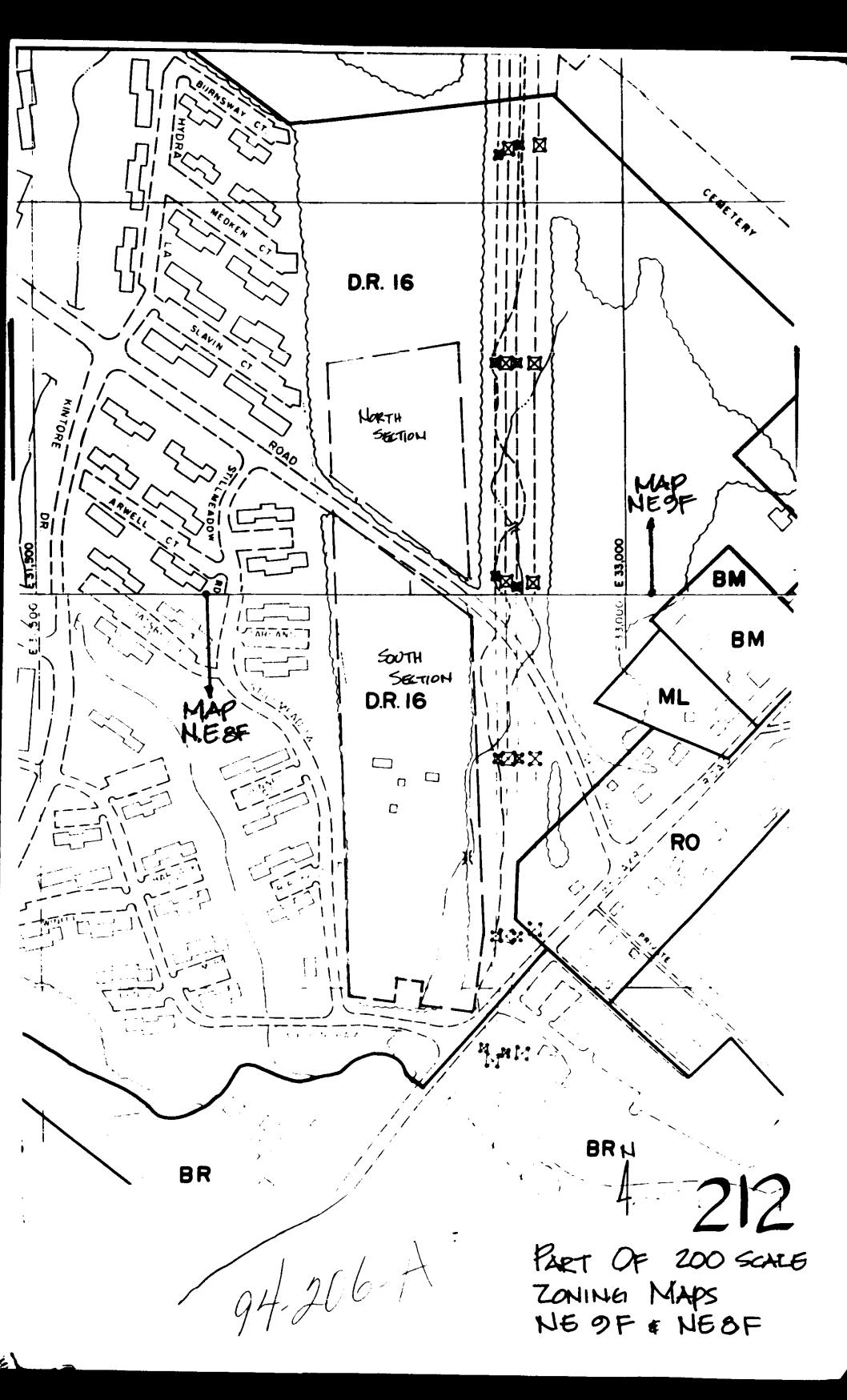
(O) NON-COMPLIANCE IS CIRCLED (BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL) ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and has been found to be in general compliance with the Baltimore County Zoning Regulations for development plan approval. To avoid any possible delays in the development review and zoning approval process, when additional details are available or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The following comments must be addressed on the development plan and only if necessary, will they be up-dated and/or supplemented during the review of the zoning final development plan.

- 1. Townhouse units are permitted as of right in the D.R.-16 zone, subject to all applicable BCZR and CMDP requirements.
- 2. Note maximum building height and include a typical scaled and measured height detail on the plan. Be aware that the height is not measured from soffit but from highest point of natural grade of the foundation to the roof peak. As part of the modification notes, include a request to permit more than 6 units in a group. Document all such requests clearly on the plan and continue to key them as started and shown in the plan notes. Correct plan note "C" to read "20 feet between buildings <u>must</u> also be approved"...not <u>may</u>.

(OVER)

DEVELOPMENT PLAN COMMENTS LAW OFFICES ELLS LEVIN (1893-1960) BALTIMORE OFFICE PROJECT NAME: Beldale Courts LEVIN & GANN MERCANTILE BANK & TRUST BUILDING DPC DATE: 12/8/93 2 HOPKINS PLAZA A PROFESSIONAL ASSOCIATION 305 W. CHESAPEAKE AVENUE BALTIMORE, MARYLAND PLAN TOWSON, MARYLAND 21204 TELECOPIER 410-625-9050 410-321-0600 TELECOPIER 410-296-2801 KATHRYN T MAY 3. Note on the plan under the density calculation: "This property as shown on the November 15, 1993 plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". 94-206-A If this is not the case and this property was part of a larger tract since 1971, then the overall tract with all density figures must be shown and must be HAND DELIVERED included as part of the overall plan. Mr. Carl Richards Baltimore County Zoning Office 4.. Note all HOA and SWM areas ownership. Any parcel not HOA or to be given to 111 W. Chesapeake Avenue Baltimore County must be indicated as a lot in the density notes. Towson, Maryland 21204 Phase II Routing Slipe RE: Petition for Variance 5. Signs: Provide an engineering scale elevation on the plan of all existing and Scheduled <u>submission</u> date: (see Project Chart) <u>\$\frac{9}{5}</u> Beldale Courts proposed free-standing signs clearly indicating the type, height, dimensions, Gamma Construction Co., Inc., Petitioner square footage, single or double-face and illumination. All signs must be keyed Scheduled completion date: (see Project Chart) 8.29 to their existing or proposed location on the plan print and enough detail must Dear Mr. Richards: be shown to determine compliance with Section 413.1 (BCZR) and all zoning sign policies or a zoning variance is required. On Friday, November 12, 1993, Jim Kline of George W. Stephens & Associates filed a development plan for Beldale Courts on behalf of Gamma Construction Co., Inc. Enclosed herein is a Petition for (2 wks from submission) // Approved Final zoning approval is contingent first, upon all plan comments being addressed on the Variance for this development. Pursuant to the new regulations, development plan; and secondly, upon the final resolution of all comments, the outcome of the development plan and variance request should be presented to // Approved with comments any requested zoning hearings and finally, the inclusion of the FDP checklist information the Hearing Examiner at a consolidated hearing. ACTION TAKEN being included on the Final Development Plan. // Returned for revision Please call me if you have any questions about this filing. BY REVIEWER: W Disapproved Comply with these Comments; CORRECT ZONING CASE # TO 94-206-A. CORRECT ZONING LITSE - 10 79-000-71,
ON LOTS IB AND 57 SHOW AND LIABEL FENCE RESTRICTION LINES AND REFER
TO RESTRICTION NOTE #2. SUBMIT TO REUSED PLANS WITH A COPY OF THESE Sincerely, Katie Kathryn T. May RETURN TO: ZADM - ROOM 123 COUNTY OFFICE BUILDING enclosure "FLAGS" or "Too Many Reviews" should be brought to P.M.'s attention! JLL:scj This form is being sent to you from \_\_\_ PLEASE PRINT CLEARLY CITIZEN SIGN-IN SHEET 107 SUBBOOK (AUK nother Frederight 5362-84 BALTIMORE COUNTY REPRESENTATIVES PLEASE PRINT CLEARLY 10/31/9/4 To. CAM. SIGN-IN SHEET Nord St. Later Howling changes Howling Changes Card McEver TOWSON 658 KENILWORTH DRIVE GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. TOWSON, MARYLAND 21204 CONSULTING ENGINEERS 410 825-8120 FAX 410-584-0288 DEPRM x 3980 D.P.W x 345/ TO: Mr. Arnold Jablon, Director DATE: October 28, 1994 Baltimore County DON RASCOS ZADM REFERENCE: Beldale Courts IITH ED Bruce Sciley Towson, Maryland 21204 94-206-A ATTENTION: \_\_ Mr. John Lewis PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET **Submitting** ☐ Forwarding Returning Ver BEN-OR GAMMA CONSTRUCTION COPIES DESCRIPTION 1 SMITH GW STEPHENS Amended Development Plan (one marked in red) J KLINE GW STEPHENS CHECK FOR \$40 J. LICHTER LEVIN & CANN DEAR MR KUNE J CANOLOS Eas-Screwce must increase parking calcultion and by price to Devision of S. I. Charles J. Kline lote Now For your use PLANNER I ☐ In accordance with your request ☐ For your review Please call when ready ☐ For processing ☐ Please return to this office Plans reviewed and accepted Approval requested Plans reviewed and accepted as noted hearing officer order. Confirmation is requested. For further information, please contact the writer at this office. JSK:kmp Enclosures 107 SUDBROOK LANE • BALTIMORE, MD 21208 (410) 663-9440 • FAX (410) 466-9298



ZADM TRANSMITTAL

